

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA**

SANDY BERRY,

Plaintiff,

v.

Docket No. 1:22-cv-54

JURY DEMANDED

GREYHOUND LINES, INC.,

Defendant.

NOTICE OF REMOVAL

COMES NOW Defendant Greyhound Lines, Inc. ("Greyhound"), by and through its counsel, and files this Notice of Removal based upon the following:

1. On December 7, 2021, Plaintiff commenced a civil action in the Circuit Court for Hamilton County styled *Sandy Berry v. Greyhound Lines, Inc.*, Hamilton County Circuit Court No. 21C1126. A copy of Plaintiff's Complaint is attached hereto as **Exhibit A**.
2. On February 9, 2022, Plaintiff effected service of process on Greyhound by serving Greyhound's registered agent for service of process with a copy of the Summons and Complaint.
3. Therefore, it has been less than thirty (30) days since Greyhound was served with the Summons and Complaint.

4. As alleged in the Complaint,¹ Plaintiff Sandy Berry is an adult resident citizen of the state of Indiana. Exh. A at ¶ 1.

5. As alleged in the Complaint, Defendant Greyhound is a foreign corporation organized under the laws of Delaware with its principal place of business in Dallas, Texas. Exh. A at ¶ 2. Accordingly, Greyhound is a citizen of the state of Delaware and the state of Texas for purposes of diversity of citizenship jurisdiction. 28 U.S.C. § 1332(c)(1).

6. Therefore, based on the foregoing, there is complete diversity of citizenship as between Plaintiff and Defendant.

7. As alleged in the Complaint, the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs. Specifically, Plaintiff prays for an award of \$500,000 for alleged damages. Exh. A at Prayer for Relief.

8. Accordingly, the Complaint is removable pursuant to 28 U.S.C. § 1441.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 123(a)(3) because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff in the manner set forth in the Certificate of Service, and a copy is being filed with the Clerk of the Circuit Court for Hamilton County, Tennessee.

¹ Defendant Greyhound restates the referenced allegations in the Complaint without prejudice to its right to Answer, assert defenses, or otherwise respond to the Complaint or any of the allegations or claims for relief set forth in the Complaint.

WHEREFORE, Defendant Greyhound Lines, Inc. respectfully removes this action, now pending in the Circuit Court for Hamilton County, Tennessee to the United States District Court for the Eastern District of Tennessee at Chattanooga pursuant to 28 U.S.C. § 1446.

Respectfully submitted,

/s/ Andrew Gardella

Lee L. Piovarcy, Esq. (TN Bar #8202)
Andrew Gardella, Esq. (TN Bar #027247)
MARTIN, TATE, MORROW & MARSTON, P.C.
315 Deaderick Street, Suite 1550
Nashville, TN 37238
Telephone: (615) 627-0668
Facsimile: (615) 627-0669
lpiovarcy@martintate.com
agardella@martintate.com

*Attorneys for Defendant Greyhound Lines,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the foregoing counsel on this the 10th day of March 2022 via electronic mail and via First Class U.S. Mail, postage prepaid:

Joshua Ward, Esq.
Lacey Webb, Esq.
MASSEY & ASSOCIATES, PC
6400 Lee Highway, Suite 101
Chattanooga, TN 37421
Josh@masseyattorneys.com
lwebb@masseyattorneys.com

/s/ Andrew Gardella